

NOV 21 2000

Mr. Jeffrey Longworth
 Kelley Drye and Warren, LLP
 1200 19th Street, NW
 Suite 500
 Washington, DC 20036

Dear Mr. Longworth:

This letter is in response to your draft letter of October 23, 2000, in which you request confirmation from the Environmental Protection Agency (EPA) regarding the Coalition for Responsible Recycling's (CRR's) understandings on recycling of shredder residue.

It is important that we all remember that the focus of the June 14, 2000 meeting, and the only issue that this office is able to address, is the regulatory scheme associated with the presence and use of polychlorinated biphenyls (PCBs) in the recycling of shredder residue. Under the current Toxic Substances Control Act (TSCA) PCB regulations at 40 CFR Part 761, PCB-containing material can be physically separated from non-PCB containing material without prior written approval pursuant to 40 CFR 761.79(b). Once separated, the non-PCB material (i.e., <2 parts per million (ppm)) may then be used in the recycling process. The remaining PCB containing material must be disposed of according to 40 CFR 761. If however the PCBs cannot be removed using the physical separation provisions at §761.79(b) or if CRR members' separation technologies result in the destruction of PCBs, these technologies would require EPA's prior written approval.

Keep in mind that you may not avoid requirements on the use or disposal of PCBs by diluting the PCBs (see 40 CFR 761.1(b)(5)). CRR members' separation processes should therefore include sampling provisions to verify the PCB concentrations of the shredder residue before and after separation to demonstrate that the PCB containing materials that enter the process have indeed been separated and removed from the resulting non-PCB materials. In order for EPA to be more specific about physical separation, disposal and approval options available to CRR members, we would have to know more about the proposed technologies and processes.

CONCURRENCES

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 File:NPCD/FOB;CHRON-READING;AUTHOR:Letter to Jeffrey Longworth (CRR)
 RE: Coalition for Responsible Recycling, Recycling of Shredder Residue

We trust this clarifies the regulatory requirements for recycling PCB-containing shredder residue. If you have any further questions, please feel free to contact Laura Casey (202-260-1346).

Sincerely,

A handwritten signature in black ink, appearing to read "JW Melone", is positioned above the typed name.

John W. Melone, Director
National Program Chemicals Division